

<p align="center"><b>DEPARTMENT FOR MENTAL HEALTH AND MENTAL RETARDATION SERVICES</b></p> <p align="center"><b>STANDARDS OF OPERATIONS</b></p>	Policy Number  DMHMRS 04-04	Total Pages  1
	Date Issued April 14, 2003	Effective Date April 14, 2003
References KRS 194A.005, 194A.025, 194A.030 § 160.304, 160.308, 160.310	Subject  Investigations, Reports and Reviews	

### **Statement of Policy and Purpose**

It shall be the policy of the Department for Mental Health and Mental Retardation Services (DMHMRS) to maintain reports on uses and disclosures of protected health information (PHI). Reports, investigations and reviews conducted by policy or at the request of a governing authority shall be done to demonstrate and document cooperation with the compliance of the privacy standards of state laws and the Health Information Portability and Accountability Act (HIPAA). A governing authority shall be recognized as the Secretary of the Department of Human and Health Services (HHS) or the Secretary of the Cabinet for Health Services (CHS).

### **Procedure**

- A. DMHMRS may submit to reviews by a governing authority to determine compliance with applicable requirements, laws and standards of PHI.
- B. DMHMRS shall keep records and submit reports deemed necessary by a governing authority to ensure compliance with applicable requirements, laws and standards of PHI.
- C. DMHMRS shall cooperate with a governing authority in an investigation or review of the policies, procedures or practices to determine compliance with applicable requirements, laws and standards of PHI.
  1. PHI obtained by a governing authority, in connection with an investigation or review, will not be disclosed. (EXCEPTION: May be disclosed when necessary for ascertaining or enforcing compliance with applicable requirements, laws and standards).
  2. Information required of DMHMRS and in the exclusive possession of another agency, institution, or person and that entity fails or refuses to furnish the information, DMHMRS shall certify and set forth efforts made to obtain the information.

Policy Number	Issue Date	Effective Date	Page
DMHMRS			2 OF 3

D. This policy shall be reviewed and revised as necessary.